

0909DELEGATED APPLICATION REPORT

Ward: Southcote Ward

App Ref: PL/25/0909 Lawful development: Existing use

Address: 2 MAKER CLOSE, READING, RG30 3QL

Proposal: Certificate of Lawfulness to establish that the dwelling has been converted into two 2-bedroom flats for more than 10 years (amended).

Applicant: Mr Alfred Alstrom

Received date: 24/06/2025

Target Decision date: 19/08/2025

Case Officer: Huimin Chen

SITE DESCRIPTION

The application site is a semi-detached bungalow located to the east of Maker Close, at the end of the cul-de-sac. Coronation Square is located to the west of the site. The property is not a listed building, nor does it fall within a Conservation Area. No Article 4 directions have been in place.



Figures 1 & 2: Front view of 2 Maker Close, taken 09/07/2025; Extract of Location Plan submitted

PROPOSAL AND SUPPORTING INFORMATION

The Certificate seeks to confirm that the semi-detached single dwellinghouse has been in continuous use as two self-contained residential 2-bed flats (Use Class C3) with shared entrance for more than 10 years prior to the submission of this application, from 24/06/2015 to 24/06/2025.

However, it has transpired that as the breach occurred prior to 25th April 2024, the relevant test (qualifying period) is actually a 4 year period, as per planning practice guidance on Enforcement and post-permission matters (Paragraph: 004 Reference ID: 17b-004-20180222 Revision date: 25 04 2024).

Accordingly, the proposals will be assessed on the basis of a 4 year period from 24/06/2021 to 24/06/2025.



Figure 3: Existing Floor Plan

RELEVANT PLANNING HISTORY

PL/02/0783 - Single storey side and rear extension. Approved 02/08/2002.

PL/03/0454 - Extension to provide garage, dining room and further bedroom. Approved 04/04/2003.

PL/18/1837 - Certificate of Lawfulness for existing use as 2 flats. Withdrawn 11/02/2020. (Due to insufficient evidence)

PL/23/1709 - Certificate of Lawfulness for existing use of property as 2X flats. Disposed 15/11/2024. (due to the file being dormant for almost one year)

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

CONSULTATIONS

Reading Borough Council, HMO team Consultations – Response received on 05/08/2025.

Private Sector Housing team records show that we have had one case concerning 2a Maker Close as a single occupied property, in 2013, but nothing for 2 Maker Close with no formal action taken.

Observation – The second bedroom within 2a Maker Close appears to be only suitable for a child under 10 years of age.

No objection to the two, two-bedroom flats as both appear to have adequate living, sleeping, washing, food preparation and cooking facilities.

Reading Borough Council, Electoral Registration Consultations – Response received 04/07/2025.

	2 Maker Close	2A Maker Close
2025	1	0
2024	1	0
2023	1	0
2022	1	0
2021	1	1
2020	2	2
2019	3	2
2018	0	1
2017	1	N/A
2016	1	N/A

Reading Borough Council, Planning Enforcement Consultations – Response received 02/07/2025.

Breach immune some years ago.

Reading Borough Council, Environmental Protection – No comments, response received 07/07/2025.

Reading Borough Council, Council Tax Consultations – No response was received.

SUBMITTED EVIDENCE

- Location Plan
 - Existing Ground Floor Plan
 - Council Tax Records from 1 April 2017 to 31 March 2018.
 - Energy Performance Certificate dated 3 October 2018
 - Domestic Electrical Installation Certificate dated 28 September 2018
- Received 24th June 2025.

Planning Officer's note: The officer emailed the applicant/agent requesting further information to process the application on 31/07/2025, and continued to request further information and an extension of time on 08/08/2025 and 25/09/2025. The officer also called the applicant/agent twice. However, no response has been received to date, including as of 16/10/2025.

ASSESSMENT

In order for a Certificate of Lawfulness to be granted for this application, the applicant must demonstrate that the continued use of 2 Maker Close as two self-contained residential 2-bed flats (Use Class C3), with a shared entrance, has occurred for a period of four years prior to the submission of the application—specifically from 24/06/2021 to 24/06/2025.

The evidence submitted on 24/06/2025 under this application includes: an existing ground floor plan, a location plan, Council Tax records from 01/04/2017 to 31/03/2018, an Energy Performance Certificate dated 03/10/2018, and a Domestic Electrical Installation Certificate dated 28/09/2018. However, this evidence is insufficient to demonstrate that the property has been in continuous use as two self-contained residential 2-bed flats (Use Class C3) for the required four-year period prior to the application date.

The Council Tax records and certificates pre-date the relevant period and do not confirm the occupancy status of the property between 24/06/2021 and 24/06/2025. There is no supporting evidence such as tenancy agreements, utility bills, or other documentation that could verify continuous residential occupation of both units as separate dwellings during the relevant period. Without such evidence, the application does not meet the legal threshold required to grant a Certificate of Lawfulness.

The PPG makes the position clear on who is responsible for providing sufficient information to support an application. It says:

“The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.”

Turning to internal consultee responses:

The Planning Enforcement Team has confirmed that the property breached immunity some years ago. According to the Site Investigation Form dated 04/12/2009 and a letter dated 10/01/2011 under Planning Enforcement reference PE/09/0583, the unauthorised change of use from a single dwellinghouse to two self-contained flats had become immune from enforcement action. However, it is important to note that while the development may be immune from enforcement, it remains unauthorised in planning terms.

No response has been received from the Council Tax team under this current application. However, a previous Certificate of Lawfulness application (PL/23/1709) for the existing use of the property as two flats was consulted with the Council Tax team, and a response dated 26/03/2024 stated:

Both 2 & 2A Maker Close are showing as being separately banded for CT purposes since 01.07.2006. Both flats separately let out to tenants since the date of banding.

While this Council Tax information suggests long-standing separate occupation, it does not in itself demonstrate continuous use over the specific four-year period required for this application (24/06/2021 to 24/06/2025).

Overall, without sufficient information from the applicant to support the claim—such as tenancy agreements, utility bills, or other time-specific documentation—the certificate cannot be granted on the basis of the evidence currently submitted.

RECOMMENDATION

REFUSE

The applicant has not provided sufficient evidence to demonstrate that 2 Maker Close, Reading, has been in continuous use as two self-contained residential 2-bed flats (Use Class C3) with a shared entrance for the required four-year period prior to the submission of this application (24/06/2021 to 24/06/2025). The documents submitted—such as Council Tax records, energy and electrical certificates—either pre-date the relevant period or do not confirm the property's use or occupancy status during that time.

While the Planning Enforcement Team previously confirmed immunity from enforcement action, this does not establish lawful use under planning legislation. In the absence of robust and time-specific supporting evidence, the Local Planning Authority is not satisfied that the use is lawful. Therefore, it is recommended that the Certificate of Lawfulness be refused.